

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 21, 2005. Claims 1-2, 4-17, 19-32, and 34-37 are pending in the Application. The Examiner rejected Claims 1-2, 4-17, 19-32, and 34-47. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

Section 102 Rejections

The Examiner rejects Claims 1-2, 4-5, 13-14, 16-17, 19-20, 28-29, 31-32, 34-35, 43-44, and 46 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,751,221 B1 issued to Saito et al. ("*Saito*"). For the following reasons, Applicants respectfully request reconsideration of Claims 1-2, 4-5, 13-14, 16-17, 19-20, 28-29, 31-32, 34-35, 43-44, and 46.

Independent Claim 1 recites:

A method for authenticated access to multicast traffic, comprising:
receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel, the IP multicast channel selected from a bundle of IP multicast channels offered as a multicast package on a subscription basis;
authenticating access privileges of the user to the multicast channel; and
disallowing the request in response to at least an unsuccessful authentication.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*). Whether considered alone or in

combination with any other cited references, Applicants respectfully submit that *Saito* does not disclose, teach, or suggest each and every limitation recited in Applicants' Claim 1.

For example, Applicants respectfully submit that *Saito* does not disclose, teach, or suggest "receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel . . . selected from a bundle of IP multicast channels offered as a multicast package on a subscription basis," as recited in amended Claim 1. Rather, *Saito* merely discloses a system "capable of carrying out IP multicast by utilizing communication resource[s] efficiently, and enabling recognition of correspondence between reserved channel and IP multicast address by a transmitting side and a receiving side in synchronization, in a network of broadcast type such as IEEE 1394." (Column 4, lines 3-9, *sic.*). More specifically, the portion of the *Saito* reference relied upon by the Examiner discloses a procedure for subscribing to an IP multicast address. The procedure begins with "an exchange of IGMP message . . . between the IGMP router 7101 and the receiving terminal 7102, such that the receiving terminal 7102 notifies that it is wishing to subscribe for the IP multicast address 'IPm' to the IGMP router 7101." (Column 68, lines 11-18). Thus, when a user desires to watch a TV channel, the user makes the request for the desired program through a browser that results in the IGMP message being transmitted to IGMP router 7101. (*See generally*, Column 31, lines 61-67).

In response to the request, "IGMP router 7101 carries out a prescribed processing procedure for subscription for IP multicast address." (Column 68, lines 32-35). Generally, the subscription process includes "various control procedures . . . such as the user authentication, the charging procedure, etc." (Column 32, lines 1-5). If the subscription process is successfully completed, "the IGMP router 7101 makes an access to the isochronous resource manager 7104 and reserves an isochronous channel number." (Column 68, lines 35-38). Conversely, if the subscription process fails, "the IGMP router 7101 notifies that fact to the receiving terminal 7102." (Column 68, lines 43-45).

Regarding the transmission of the requested multicast content, *Saito* discloses that “the isochronous channel number reserved by the isochronous resource manager 7104 in response to a request from the IGMP router 7171 . . . is assumed to be ‘#x’.” (Column 68, lines 46-49). “[A]ll packets destined to the IP multicast address ‘IPm’ are going to be transmitted and received through the asynchronous stream indicated by the channel number ‘#x’.” (Column 70, lines 48-51). Thus, the process and system disclosed in *Saito* merely allows a user to subscribe to receive a video (TV program) broadcast through an IP multicast address. When the user desires “a different video (a TV program on a different channel, for example),” the procedure is repeated to obtain an IP multicast address corresponding to a new video through the upper level protocol and subscribing for that IP multicast address.” (Column 66, lines 22-28). Thus, the subscription system of *Saito* is on a channel by channel basis. There is no disclosure in *Saito* that the multicast channels are bundled and “offered as a multicast package on a subscription basis,” as recited in Claim 1.

For at least these reasons Applicants respectfully request reconsideration and allowance of Claim 1, together with Claims 2, 4-5, and 13-14, which depend from independent Claim 1.

Independent Claims 16, 31, and 46 recite certain features and operations that are similar to the features of Claim 1. For example, Claim 16 recites “means for receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel, the IP multicast channel selected from a bundle of IP multicast channels offered as a multicast package on a subscription basis.” As another example, Claim 31 recites “logic operable to receive an Internet group management protocol request for a user to join an IP multicast channel selected from a bundle of IP multicast channels offered as a multicast package on a subscription basis.” Claim 46 recites “authenticating access privileges of a user to the IP multicast channel upon receiving an Internet group management protocol request at an access network router, the request identifying a user requesting to join an IP multicast channel to receive the premium video content, the IP multicast channel selected from a bundle of IP multicast channels

offered as a multicast package on a subscription basis.” Accordingly, for reasons similar to those discussed above with regard to Claim 1, Applicants respectfully submit that *Saito* does not disclose, teach, or suggest each and every element recited in Applicants’ Claims 16, 31, and 46. Claims 17 and 19-20, and 28-29 depend directly or indirectly upon Claim 16. Claims 32, 34-35, and 43-44 depend directly or indirectly upon Claim 31. Thus, for the same reasons that independent Claims 16, and 31 are allowable, these dependent claims are also allowable.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1-2, 4-5, 13-14, 16-17, 19-20, 28-29, 31-32, 34-35, 43-44, and 46.

Section 103 Rejections

The Examiner rejects Claims 6-9, 21-24, and 36-39 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Saito* with U.S. Patent No. 6,219,790 B1 issued to Lloyd et al. (“*Lloyd*”), U.S. Patent No. 6, 466,571 B1 issued to Dynarski et al. (“*Dynarski*”), and U.S. Patent No. 6,718,387 B1 issued to Gupta et al. (“*Gupta*”).

Claims 6-9, 21-24, and 36-39 depend from independent Claims 1, 16, and 31, respectively, which Applicants have shown above to be allowable. Applicants respectfully submit that dependent Claims 6-9, 21-24, and 36-39 are allowable at least because of their dependency. Applicants have not provided detailed arguments with respect to Claims 6-9, 21-24, and 36-39. However, Applicants remain ready to do so if it becomes appropriate. Applicants respectfully request reconsideration and allowance of Claims 6-9, 21-24, and 36-39.

The Examiner rejects Claims 10-12, 25-27, and 40-42 under 35 U.S.C. § 103(a) as being unpatentable over *Saito* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 6,026,441 B1 issued to Ronen (“*Ronen*”).

Claims 10-12, 25-27, and 40-42 depend from independent Claims 1, 16, and 31, respectively, which Applicants have shown above to be allowable. Applicants respectfully submit that dependent Claims 10-12, 25-27, and 40-42 are allowable at least because of their dependency. Additionally, Applicants respectfully submit that the proposed *Saito-Ronen* combination does not disclose, teach, or suggest each and every limitation recited in Applicants' Claims 10-12, 25-27, and 40-42. As examples, Applicants respectfully submit that the proposed combinations of references does not disclose, teach, or suggest the following features recited in Applicants' claims:

- “determining whether the user is logged in to a service provider providing the multicast channel” and “unsuccessfully authenticating access privileges of the user to the multicast channel in response to at least the user not logged in to the service provider,” as recited in Claims 10 and 12 (and similarly recited in Claims 25, 27, 40, and 42; and
- “determining whether the user is logged in to a service including the multicast channel” and “unsuccessfully authenticating access privileges of the user to the multicast channel in response to at least the user not logged in to the service including the multicast channel,” as recited in Claims 11-12 (and similarly recited in Claims 26-27, and 41-42.

With respect to Claims 10-12, 25-27, and 40-42, the Examiner acknowledges that the newly relied upon reference of *Saito* does not disclose, teach, or suggest the recited features and operations. Rather, the Examiner continues to rely upon *Ronen* for disclosure of the elements of Claims 10-12, 25-27, and 40-42.

In the previous Response to Office Action, Applicants demonstrated that *Ronen* does not disclose the claimed features. Although the Examiner did not respond to Applicants' arguments in the Office Action mailed August June 21, 2005, Applicants believe that Applicants' previous arguments continue to have merit. Thus, Applicants reiterate Applicants' arguments made with regard to *Ronen* in the previous Response to Office Action.

Specifically, Applicants submit that *Ronen* merely discloses a method for “establishing a connection on the Internet between applications associated with two or more client terminals.” (Column 1, lines 7-10). *Ronen* generally discloses that a connection can be established “on the Internet between two client applications on client terminals if the client terminal initiating the connection knows the IP address of the client terminal at the terminating end of the connection.” (Column 1, lines 41-45). Such connections may be established for purposes such as Internet Telephony and teleconferencing. (Column 2, lines 1-3). Because the method disclosed in *Ronen* allows an “initiating first user at a client terminal . . . to establish a connection over the Internet with a destination user’s client terminal [by using[the destination user’s e-mail address (mary@def.com) to determine the domain name of that user’s [Internet Access Service Provider (IASP)] (def.com)” (Column 2, lines 3-8), *Ronen* dispenses with the requirement that the initiating user know the IP address of the destination client.

More specifically, “[w]hen the [destination] user of client terminals 101 logs onto the Internet through IASP 102, and provides his or her identity through a logon and identification procedure, [destination] client terminal 101 is assigned a temporary IP address that is used for the current session.” (Column 2, lines 54-58). “Thus, a database 122, associated with IASP 102, stores a mapping of each client terminal then connected to IASP 102 and its user, and the IP address assigned to that terminal.” (Column 2, lines 58-61). When a initiating user then “wishes to establish a connection over the Internet with [the] destination user’s client terminal . . . a domain name server (DNS) is queried to obtain the IP address of that IASP.” (Column 2, lines 3-10). “The client terminal of the initiating user then sends a query to that IASP’s IP address to obtain the IP address that that IASP has currently assigned to the destination user (mary).” (Column 2, lines 10-13). “If that second user is logged on, an entry will exist in a database at the destination user’s IASP that associates that user (mary) with the IP address assigned by the IASP to that user’s client terminal for the current session.” (Column 2, lines 13-17). Thus, by accessing its associated database, IASP 102 “can determine whether a particular one its subscribers is currently logged on.” (Column 2, lines 64-66). “If the destination user is logged on, the application running on the initiating

user's client terminal then establishes a connection over the Internet to the destination user's client terminal using the determined IP address." (Column 2, lines 21-25). Accordingly, the *Ronen* system is merely used to identify an IP address such that a communication session can be established between two client terminals associated with different end users. Because *Ronen* is not at all related to providing multicast communications, *Ronen* does not disclose, teach, or suggest determining whether the user is logged in to a service and/or service provider providing the multicast channel and then unsuccessfully authenticating access privileges of the user to the multicast channel in response to at least the user not logged in to the service and/or service provider," as recited in Claims 10-12, 25-27, and 40-42. The recited features are completely absent from the disclosure of *Ronen*.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 10-12, 25-27, and 40-42.

The Examiner rejects Claims 15, 30, and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Saito* as applied to Claims 1, 16, and 31 above, and further in view of U.S. Patent No. 5,671,225 issued to Hooper et al. ("*Hooper*").

Claims 15, 30, and 45 depend from independent Claims 1, 16, and 31, respectively, which Applicants have shown above to be allowable. Applicants respectfully submit that dependent Claims 15, 30, and 45 are allowable at least because of their dependency. Applicants have not provided detailed arguments with respect to Claims 15, 30, and 45. However, Applicants remain ready to do so if it becomes appropriate. Applicants respectfully request reconsideration and allowance of Claims 15, 30, and 45.

The Examiner rejects Claim 47 under 35 U.S.C. § 103(a) as being unpatentable over *Saito* in view of *Ronen*.

First, assuming for the purposes of argument only that the proposed *Saito-Ronen* combination discloses the features of Claim 47 (which Applicants dispute below), the

rejection of Claim 47 is improper at least the Examiner has not sufficiently shown that one of ordinary skill in the art at the time of invention would have been motivated to make the proposed combination. The mere fact that references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). The showing must be clear and particular. *See, e.g., C.R. Bard v. M3 Sys., Inc.*, 48 U.S.P.Q.2d 1225, 1232 (Fed. Cir. 1998). The Examiner has not provided adequate evidence that one of ordinary skill in the art at the time of the present invention would have been motivated to modify subscription system disclosed in *Saito* to include the authentication procedures disclosed in *Ronen*. The Examiner merely speculates "it would have been obvious" to modify the subscription system of *Saito* to include the teachings of *Ronen* "because by ensuring that the user is logged on and that it is a known user, it enhances security so that a third party does not try and intercept services." (Office Action, page 12). The Examiner's speculation, however, does not provide the suggestion or motivation required to make the proposed combination and instead simply relies upon hindsight.

It is improper for an Examiner to use hindsight having read the Applicants' disclosure to arrive at an obviousness rejection. *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). In particular, it is improper to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Because the Examiner has merely used Applicants' claims as an instruction manual to piece together the subscription system disclosed in *Saito* with the authentication procedures disclosed in *Ronen*, Applicants respectfully submit that the proposed *Saito-Ronen* combination is improper and should not be used here to reject Applicants' claim.

Second, Applicants respectfully submit the proposed *Saito-Ronen* combination does not disclose, teach, or suggest each and every limitation recited in Applicants' Claim 47. For example, Claim 47 recites "determining whether the user is logged in to a service provider providing a service including the IP multicast channel" or "determining whether the user is

logged in to the service including the IP multicast channel” and “unsuccessfully authenticating access privileges of the user to the IP multicast channel in response to at least one of determining the user is not logged in to the service provider and determining the user is not logged in to the service.” With respect to the above recited features and operations, the Examiner continues to rely upon the disclosure of *Ronen*. Applicants have shown above with respect to Claims 10-12, 25-27, and 40-42, however, that *Ronen* does not disclose, teach, or suggest the recited features and operations. To the contrary, *Ronen* merely discloses a method for “establishing a connection on the Internet between applications associated with two or more client terminals” and is not at all related to the provisioning of multicast communications. (Column 1, lines 7-10). Accordingly, for reasons similar to those discussed above with regard to Claims 10-12, 25-27, and 40-42, Applicants respectfully submit that the proposed *Saito-Ronen* combination does not disclose, teach, or suggest each and every limitation recited in Claim 47.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 47.

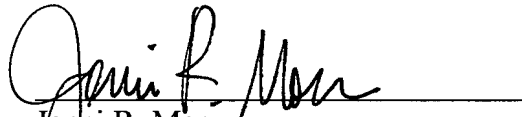
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicants, at the Examiner's convenience at (214) 953-6809.

Applicants do not believe any fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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